

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

XR COMMUNICATIONS, LLC, dba  
VIVATO TECHNOLOGIES,

Plaintiff,

v.

AT&T SERVICES INC.; AT&T MOBILITY  
LLC; and AT&T CORP.,

Defendants,

NOKIA OF AMERICA CORPORATION and  
ERICSSON INC.,

Intervenors.

Case No. 2:23-cv-00202-JRG-RSP

(Lead Case)

JURY TRIAL DEMANDED

XR COMMUNICATIONS, LLC, dba  
VIVATO TECHNOLOGIES,

Plaintiff,

v.

VERIZON COMMUNICATIONS INC.,  
CELLCO PARTNERSHIP D/B/A VERIZON  
WIRELESS,

Defendants,

NOKIA OF AMERICA CORPORATION and  
ERICSSON INC.,

Intervenors.

Case No. 2:23-cv-00203-JRG-RSP

(Member Case)

XR COMMUNICATIONS, LLC, dba  
VIVATO TECHNOLOGIES,

Plaintiff,

v.

T-MOBILE USA, INC.,

Defendant,

NOKIA OF AMERICA CORPORATION and  
ERICSSON INC.,

Intervenors.

Case No. 2:23-cv-00204-JRG-RSP

(Member Case)

**DEFENDANTS'/INTERVENORS' UNOPPOSED MOTION TO WITHDRAW OPPOSED  
MOTION TO STAY PROCEEDINGS PENDING *INTER PARTES* REVIEW**

Defendants AT&T Corp., AT&T Mobility LLC, and AT&T Services, Inc. (AT&T"), Verizon Communications, Inc. and Cellco Partnership d/b/a Verizon Wireless ("Verizon"), T-Mobile USA, Inc. ("T-Mobile"), and Intervenor Ericsson Inc. ("Ericsson") and Nokia of America Corporation ("Nokia") (collectively, "Defendants/Intervenors") respectfully move to withdraw their Opposed Motion for Stay Proceedings Pending *Inter Partes* Review ("Motion"). Dkt. 78.

On July 9, 2024, Defendants/Intervenors filed the Motion requesting a stay of the above-captioned cases until the Patent Trial and Appeal Board ("Board") concluded its *inter partes* review of U.S. Patent Nos. 7,177,369 ("the '369 Patent") (IPR2024-00314); 8,737,511 ("the '511 Patent") (IPR2024-00868); and 10,715,235 ("the '235 Patent") (IPR2024-00613). On July 23, 2024, Plaintiff filed its Opposition to Defendants'/Intervenors' Motion. Dkt. 82. While the Board has not yet issued an institution decision with respect to IPR2024-00868 or IPR2024-00613, the Board has recently denied the IPR challenging the claims of the '369 Patent. IPR2024-00314, Paper No. 12. Defendants/Intervenors submit that they intend to file a motion for reconsideration on the institution denial in IPR2024-00314. Thus, and while currently moving to withdraw the Motion, Defendants/Intervenors reserve the right to re-file the Motion should IPR2024-00314 be later instituted.

Dated: July 29, 2024

Respectfully submitted,

/s/ Melissa R. Smith

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*Counsel for Defendants / Intervenors*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on July 29, 2024.

/s/ Melissa R. Smith  
Melissa R. Smith

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that, pursuant to Local Rule CV-7(h), counsel for the Parties met and conferred to discuss the substantive issues addressed in this Motion on July 26, 2024. Counsel for Plaintiff indicated that it does not oppose this Motion.

/s/ Melissa R. Smith  
Melissa R. Smith